



**Rule of Law Institutional
Strengthening Program (ROLISP)**

REPORT

**ON THE STUDY VISIT OF REPRESENTATIVES OF
THE MOLDOVAN JUDICIARY TO THE UNITED
STATES OF AMERICA**

Rule of Law Institutional Strengthening Program (ROLISP)

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BACKGROUND

At the October 2014 International Court Administration Conference that ROLISP organized in partnership with the Superior Council of Magistracy (SCM), the Ministry of Justice (MOJ) and the National Institute of Justice, leading experts from Europe and the USA discussed and analyzed how modern court administration relies on a variety of key factors such as collection of reliable statistics and court performance indicators, the use of advanced court technology, and quality services for the public. Conference speakers described the various best practices in these areas applied in the USA and in the European judiciary.

After the Conference, several SCM and MOJ representatives approached ROLISP inquiring about the possibility to learn first-hand about the best practices used in the USA judiciary with regard to use of performance indicators, judicial statistics and ICT to increase the efficiency of court performance and customer services.

As a result, ROLISP decided to organize a study visit to the USA on modern court administration practices, the use of information technologies and the collection, use and analysis of statistical data and court performance indicators in the US judiciary. The participants to the study visit included senior judges and Chiefs of court secretariats, SCM and Department of Judicial Administration staff, and two ROLISP staff members (see the list of participants in Annex 1).

The purpose of the study trip was for the Moldovan participating judicial representatives to learn about modern court administration practices and the tools for assessing the performance of courts, the use of information technologies and the collection, use and analysis of statistical data in the US judiciary.

The participants will meet with a variety of judicial institutions during their trip, such as the Administrative Office of the Maryland Courts in Annapolis, Maryland; the Montgomery County Circuit Court of Maryland; the Administrative Offices of the US Courts in Washington D.C., the Center for Legal and Court Technology at the College of William and Mary, the National Center for State Courts, and the Administrative Offices of the Arizona Courts, and the Maricopa County Courts, as described in this report.

Meeting such a diversity of organizations, the participants received a well-balanced view of various aspects related to modern and efficient court administration used by the US judiciary.

Pre Departure Orientation

On April 8, 2015 USAID ROLISP organized a pre departure orientation session for the participants in the study tour to the U.S. Mr. Timothy Ong, Project Development Officer at USAID Moldova, highlighted the objectives of the study visit to the U.S. and informed the participants about the restrictions that J1 visa



holders have while in the U.S. Mrs. Cristina Malai, USAID ROLISP Deputy Chief of Party, reminded the group the purpose of the study visit and familiarized the participants with the agenda of the scheduled visits and meetings. Victoria Capatici, USAID ROLISP Program Assistant have explained to the participants some logistical aspects and has distributed relevant materials.

MARYLAND

April 20, 2015

Administrative Office of the Maryland Courts in Annapolis

On April 20, the delegation visited the Administrative Office of the Maryland Courts in Annapolis, Maryland. Mrs. Pamela Q. Harris, Head of the Office, opened the meeting by introducing her team. After making an overview of the federal judicial system, Mrs. Harris explained that the mission of the Maryland judiciary is to provide fair, efficient and effective justice for all.

In the context of the discussion about judges' heavy workload, Mrs. Harris mentioned that a large number of cases are solved through ADR (Alternative Dispute Resolution). The most common cases when ADR is used are those related to the guardianship of the child. Mrs. Harris concluded that ADR became very accessible and popular in Maryland.

Mrs. Harris introduced the participants to MDEC – the new electronic case management software. It is a completely digitalized, paperless system. MDEC is suitable for individuals who choose to represent themselves in the court. It is estimated that MDEC implementation will take about four years.

- Maryland courts examine over **2 million cases** annually
- The federal systems examines approximately **5%** of all the cases
- Every judge in Maryland examines an average number of **2000 cases/year**
- The budget of the Administrative Office of the Maryland Courts is **\$ 0.5 billion**.
- In fiscal year 2014, Maryland judiciary has collected **436 million US\$** in revenue for the state.

www.courts.state.md.us

Regarding services for the public, the courts of Maryland have live chats for communicating with the citizens. They also have help lines and special email addresses to answer the questions of the public.

The HR management system that currently works on paper based documents will be replaced by an online system - PeopleSoft (sending timesheets, managing leaves, vacations etc.). The shift to the online HR management system is scheduled for January 2016.

During the Q&A session, participants were particularly interested in the anonymization and depersonalization of cases or decisions related to the cases. Mrs. Harris has explained that the USA is trying to promote transparency, so that, with a few exceptions, the decisions are not anonymous. Still, there are cases when parties have the possibility to request protection of the data contained in their cases, but they have to prove why their data needs to be protected.

The judiciary in Maryland has a case search engine: <http://casesearch.courts.state.md.us/>. There are 1.5 to 2 million searches on this website daily.

Pamela Harris was interested to learn more about the implementation of the International Framework on Court Excellence (IFCE) in the Moldovan courts. The representatives of the three pilot courts implementing IFCE shared their experiences and their plans for improving certain areas of the courts' activity.



Montgomery County Circuit Court

Juddy Rupp, Trial Court Administrator, has opened the session mentioning that Montgomery County Circuit Court has adopted a data-driven approach to judicial administration. She has explained that such an approach increases accountability and transparency through information sharing and leads to public trust and confidence in the judicial processes. It also provides foundation for evidence-based case and court management.

Barbara Meiklejohn, Clerk of the Court, has distributed to the participants some cases to familiarize them with the way cases are structured. She noted that cases involving juveniles are confidential. As a Clerk of the Court, she is responsible for the accuracy of the case files. Mrs. Meiklejohn has mentioned that every case has a barcode and every judge and clerk have a barcode reader. Regarding public access to the cases, everyone has access to the court files, unless limited by a court order. Taking pictures of case documents is prohibited, but making copies of the document is allowed for a fee of 50¢/ per copy. The court handles cases with a value of at least \$ 30,000.

- Montgomery County has **1,016,677** inhabitants (increased 4,5% compared to the last census)
- Montgomery County Circuit Court is a court of general jurisdiction
- Operates in **2** buildings
- **22** judges and **5** special judges
- **190 – 200** employees
- Approximately **1000** jurors visit the court every week.

www.montgomerycountymd.gov

Duration of examining a case from filing to disposition:

Criminal cases – 180 days

Civil cases – 540 days

Family cases – from 365 to 720 days

After completing the examination, each case files are audited.

Rick Dabbs, Differentiated Case Management Program Coordinator, mentioned that the case assignment software is managed by the court. He also explained that Montgomery County Circuit Court is following the principle: 1 family – 1 judge, meaning that the same judge examines all the cases related to the members of the same family. Mr. Dabbs mentioned that the Montgomery County Circuit Court uses the *Differentiated Case Management*, a technique courts use to tailor the case management process and the allocation of judicial system resources to the needs of individual cases.



Regarding the relationship between the court and mass media, Judy Rupp mentioned that there are certain rules for both journalists and court employees, for instance: filming is prohibited in the courtrooms; judges are not allowed to answer questions from media representatives, until after a decision.

Danielle Fox and **Hisashi Yamagata** also participated at the discussions; both of them are Senior Court Researchers. Their main mission is to observe how things run in different areas of the Montgomery court activity, and offer data to the court staff.

During the second part of the visit, the delegation went on a tour of the courthouse, where they visited several courtrooms, cells of prisoners and rooms for jurors. The courthouse has separate secure access areas for court staff and detainees, witnesses or their relatives. In front of each trial participant, a touch screen monitor is installed. Also, the courtrooms are equipped with modular microphones (amplify sound as speaker steps aside from it) and wireless headphones for hearing impaired persons. Humidity is constantly monitored in all the courtrooms. The acoustical system was specially designed for courtrooms. The whole building is monitored by 100 cameras. There is also a room where all the jurors are assembled for guidance and orientation before participating in a trial.

WASHINGTON D.C.

April 21, 2015

Administrative Office of the United States Courts

Robby Robinson, Court Program Administrator opened the meeting by introducing his colleagues who also participated: **Sean Marlaire**, Attorney Advisor – Court Services Office, **Amanda Carillo-Lambott**, TDY Court Services Office and **Nancy Prewitt**, TDY Court Services Office.

- Approximately 1000 employees
- Established in 1939

www.uscourts.gov

Amanda Carillo-Lambott made an introduction of the federal judicial system in the United States, its organization and administration, its relationship to the state court systems. Mrs. Carillo-Lambott mentioned that the Administrative Office is the judicial branch's central support agency responsible for providing a broad range of management, legal, technical, communications, and other support services for the administration of the federal courts.

Nancy Prewitt gave an overview of the Case Management and Electronic Case Filing (CM/ECF).

Mr. Carillo-Lambott provided a presentation on the Security Level Information. She mentioned that there are 5 different levels of security. Certain settings can be installed in order to allow/ restrict the access of different categories of users. The participants were particularly interested what case information is considered public. Mrs. Lambott explained that all the documents of a case are public, with 3 exceptions:

- Sealed documents
- Personal identifying information (for example: SSN, ID number)
- Cases involving juveniles (only the initials are being used)

In this respect, Mrs. Lambott made a brief presentation of PACER (Public Access to Court Electronic Records), an electronic public access service that allows users to obtain case and docket information online from federal appellate, district, and bankruptcy courts, and the PACER Case Locator. PACER is provided by the Federal Judiciary in keeping with its commitment to providing public access to court information via a centralized service (see pacer.gov). Mr. Sean Marlaire added that there are many advantages for the public, since everyone has easy and inexpensive file access through PACER. All public documents are available through PACER. Attorneys in a specific case get a first free look for filed documents, thereafter they are charged \$0.10 per page.



The second session of the meeting was hosted by **Catherine Whitaker**, Assistant Chief for Research and Statistical Modernization. The session was dedicated to statistical data collection and use. Mrs. Whitaker mentioned that the AO collects data both when a case is filed and when it is closed. The AO collects data from all US courts, except for the Supreme Court of Justice. After data is collected, the AO prepares approximately 10 publications (reports). To avoid exaggerated expenses, the reports are published online.

When asked by the participants about how collected statistical data is used, Mrs. Whitaker explained that data is being used to formulate future activity plans:

Up to 3 years – short-term plans

Up to 10 years – long-term plans

Short-term projects are used to establish plans for the entire judicial system, while long-term projects are used for planning major activities, such as construction of new courthouses. Future projects are also used for decisions related to allocation of staff and judges. This data is also used for certain researches in colleges and universities. The AO constantly receives information requests from certain institutions, including media companies. These requests are usually related to bankruptcy cases. Mrs. Whitaker mentioned that, sometimes, the AO is contacted by the courts which want to learn some of the statistical data in order to better understand the areas of their activity that need improvements. She has also mentioned that courts are aware of the importance of this data and are doing their best to provide accurate data. Special attention is given to cases that have been examined for more than 3 years; especially in civil cases, 3 years is considered the maximum examination period.

WILLIAMSBURG, VIRGINIA

April 22, 2015

Center for Legal and Court Technology

On April 22, the delegation had a meeting at the Center for Legal and Court Technology (CLCT). The meeting was hosted by the director of CLCT, Mr. Fredrick Lederer in McGlothlin Courtroom, one of the U.S. model courtrooms and the world's most technologically advanced courtroom. CLCT is

- First model courtroom in U.S. was established in **1980**
- CLCT opened in **1993** as *Courtroom 21 Project*
- **30** law students employed at CLCT

constantly testing the latest advancements in courtroom and legal technology. Mr. Lederer mentioned that the Center is always upgrading its equipment and platforms to stay on the cutting edge of emerging trends. CLCT's primary mission is "to improve the world's legal systems through the appropriate use of technology."

www.legaltechcenter.net

Mr. Lederer demonstrated to the participants the main endowments and technological possibilities of the courtroom:

- Real-time transcription;
- Mobile litigator's podium – it has incorporated outlets to allow lawyers connect their own devices (tablets, notebooks etc.). It also has a "traffic light" connected with the microphone, to inform lawyers about the time left for their speech by turning on the corresponding color;
- Scanner for judges with visual problems;
- Barcode retrieving system;
- Voice recognition devices;
- HD video cameras all over the courtroom for video recording, web live streaming and video conferencing;
- Touchscreen monitors in front of each witness;
- Mobile floor for judges with mobility problems;
- Area for parties with special needs;
- Desktop unit for people affected by macular degeneration – includes glasses for shifting to different parts of an image or document;
- Document camera – for displaying documents and evidence;
- Equipment to allow remote jurors have a 360° view of the courtroom.





In the second part of the meeting, Mr. Fred Lederer discussed the remote participation of different participants in a trial, including judges. He spoke about the benefits of remote interpretation and mentioned that the judiciary saves time and money when interpreters don't have to travel. In the same context, participants were very interested to learn about how a secure connection can be established with the remote trial participants. Mr. Federer explained that a special secure connection was created and is being used. On the same note, he presented several examples of the most technologically advanced courtrooms in the world.

National Center for State Courts

On April 22, the Moldovan delegation had a meeting at the National Center for State Courts (NCSC), led by **Daniel Hall**, Vice President of the Court Consulting Services Division.

- Created in **1971**
- +25 U.S. states are working with NCSC on reengineering of their justice systems, and improve court operations and standardize court processes.
- NCSC budget – 60 mln \$/per year

www.ncsc.org

Mr. Hall opened the meeting with a historical overview of the NCSC and its governance. The mission of the NCSC is to improve the administration of justice through leadership and service to U.S. courts and courts around the world. Among other activities, NCSC helps courts develop strategies in seeking funding, facilitates the collaboration among court

associations, provides support with managing resources and case workload using centralized statistical reporting mechanisms for courts, consults on professional ethics, accountability, transparency, anti-corruption and related education/training.

The second part of the meeting was dedicated to quality management systems for courts, especially the International Framework for Court Excellence and CourTools. NCSC is a signatory member of the International Framework for Court Excellence Consortium. Mr. Hall mentioned that the IFCE was used in over 30 countries. 10 U.S. courts are currently using the International Framework for Court Excellence. Mr. Hall described each of the seven areas of court excellence. During the discussion, the representatives of the three Moldovan pilot courts implementing IFCE had the opportunity to share their experiences with the implementation of the Framework.



PHOENIX, ARIZONA

April 23, 2015

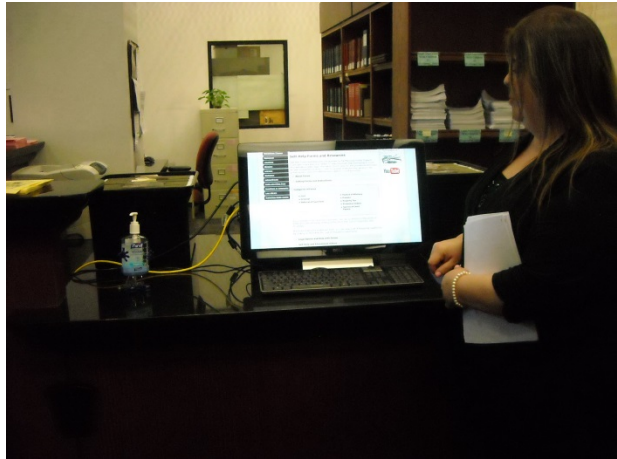
Maricopa Superior Court

After arrival to Phoenix, AZ from Williamsburg, VA, the Moldovan delegation visited the Maricopa Superior Court. Mr. Peter Kiefer, court administrator, conducted a tour of the court building, which is a spacious and modern building. After the tour, the delegation attended a presentation about the activity of the Maricopa Superior Court by Judge Warner, in his courtroom. The courtroom was equipped with the latest technologies: with voice activated wireless microphones, flat screen monitors for evidence display and touch screen technology, two-way video conferences that allow court appearances from other locations around the country, among other tools. Proceedings in courtrooms are recorded. The audio/video technology creates a verbatim record without the use of a court reporter.

Widespread use of technology during trial enhances the way evidence is presented, allowing facts, concepts and ideas to be more readily understood by jurors, litigants, spectators, lawyers and the Court.

Jurors can view exhibits via flat screen monitors or a projection screen in the E-Courtrooms.

As mentioned by the presenting judge, studies have found that high-tech court proceedings can cut trial time for a civil case by 25 percent. The new technology allows lawyers to use laptops and a touch screen computer to simultaneously display and annotate evidence on the monitors in the jury box and around the courtroom. It is an easier, more effective way to litigate a case.



The delegation then visited the **Self-service Center** of the Court (see <https://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Index.asp> for a description of the Center). The Self-service Center is part of the Maricopa County Superior Court Law Library Resource Center. The goal of the Center is to help individuals help themselves in Court. The website of the Center provides legal information, forms, services and procedural information for self-represented litigants in order to increase understanding, access to the justice system, and more effective participation in court processes.

The Law Library Resource Center has hundreds of legal forms available in English and Spanish, all being in a fillable format. Some family court forms are also available through [ezCourtForms](https://www.superiorcourt.maricopa.gov/ezcourtforms) (see <https://www.superiorcourt.maricopa.gov/ezcourtforms>), a quick and easy user-friendly interactive computer software program.

The representative of the Center mentioned that 70% of parties in divorce cases actually represent themselves and therefore heavily use the services of the Center.

April 24, 2015

Administrative Office of the Arizona Courts

The delegation visited the Administrative Offices of the Arizona Courts. The meeting started with an introductory overview of the structure of the Arizona judiciary, which consists of the Supreme Court, Appellate Courts, the Superior Court, courts inferior to Superior Court, and justice courts.

The sources of funding for the Arizona judiciary are: counties (63,1%), state (20,9%), municipal (14,5%), federal/private (1,5%).

The Arizona judiciary has \$385.6 million revenue a year, hundreds of facilities, and handles 2.2 million cases per year.

The Administrative Offices of the Arizona Courts are part of the Supreme Court (SC). The SC oversees the Arizona Judicial Council, the Judicial Nominating Commission, the Commission on Judicial Conduct, the State Bar, the Commission on Judicial Performance Review, and the presiding judges.

Arizona Judicial Council assists the Supreme Court and the Chief Justice in the development and implementation of policies designed to: identify the needs of the judiciary, study the internal operation of the courts, and analyze and plan for future developments.

The Superior Court Presiding Judge carries out the administrative supervision of courts in the county. The Presiding Judge serves as “Chief Justice” for each county and is assisted by a team consisting of: a clerk of court, the presiding justice of the peace, the presiding municipal court judges, the court administrator, the chief probation officer, and the juvenile court director.

After the overview of the judiciary in Arizona, the AO representatives spoke about the Case Processing Standards used by the AZ judiciary. In Arizona, the following standards are used:

- *for criminal felony* - 75% within 90 days, 90% within 180 days, 98% within 365 days
- *for civil cases* - 75% within 180 days, 90% within 365 days, and 98% within 540 day
- *for family dissolution cases* - 75% within 120 days

The above-mentioned standards are established by a specially established committee under the Supreme Court. The courts are trained on standards and using reports and are responsible for submitting reports periodically for review. The standards are aspirational, yet achievable and they should help courts identify best practices and work towards improvement.

The delegation received from the Supreme Court representative a flash stick with information about “High Performance Court Network,” which is a roadmap that US courts use to improve court management, and the CourTools, developed and recommended by the National Center for State Courts to measure courts performance.

The next session was about the importance of outreach for the judiciary. The representative of the Supreme Court spoke about the importance of having a strategic communication agenda established by the judiciary. In AZ, there is a 2014-2019 communication agenda, which serves as a guide for court personnel, builds upon past successes, and outlines emerging and priority areas for increased focus and attention.

Court communication in Arizona also relies on

volunteers, because budgets are too small for the judiciary to achieve success without volunteers – currently, 2000 volunteers across the state are involved in helping with communication efforts.

Improving communication and community participation is important for the following reasons: it inspires confidence that people are treated fairly and impartially, takes the mystery out of court processes, and connecting with users, they can help find and resolve problems.

Among court communication efforts are oral arguments on real cases in high school auditoriums or performing arts centers and speaking at high schools and civic groups by judges. Judges also reach out to community groups to help them understand their judicial system, rule of law, and the fundamentals of American government.



Maricopa County Sheriff's Office

On April 24 the delegation has also visited the Maricopa County Sheriff's Office. Joe Arpaio is the Maricopa County Sheriff, heading the nation's third largest Sheriff's Office, which employs over 3400 people. He was first elected to office in 1992 and has been re-elected six 4-year terms since then.

1. Tent City

The delegation first visited the "tent city," which is an open-air jail that was opened in 1993, with a **1000** bed capacity. The motivating factors behind the initiative were jail overcrowding, violations of a consent decree, and lack of funds for new traditional jails. Staffing on the site is approximately **130** inmates to each officer, a much higher ration than in "hard" facilities. Because of budget restraints, the tents have only four detention officers guarding **1000** inmates each shift. A total of nearly **800** convicted inmates are now being housed in the Tent City, **25%** of which are women. Prisoners perform community work. The delegation was told that inmates get 2 days reduction from their detention for every day of community work.



2. Lower Buckeye Jail

The Moldovan delegation then visited the modern Lower Buckeye Jail that was opened in 2005 and is the largest detention facility in AZ. It is also the 4th largest in the U.S. and the 3rd safest. It houses all classifications of inmates, and includes separate housing for juvenile inmates. The housing units were designed to provide for all inmates' needs (medical, education, religious services, and rehabilitation programs). Juvenile detainees are required to follow a schooling program on-site.

There are conference rooms for in-house training for detention officers, along with an exercise facility for employees. The modern, heightened security includes video visitation (20-min skype call for detainees), officer and voice-operated elevators for transportation of inmates, sliding pneumatic doors, and various scans at jail entrances.

The Moldovan delegation engaged in an active discussion with the detention officers and shared information about the activity and current challenges faced by the jail system in Moldova.

- 1800 detainees out of 2,440 inmate capacity
- 65 juvenile inmates
- 2,856 rooms
- 1,121 cells
- 60 detention officers
- 604,743 sq. ft. surface
- 12 m² – surface of a cell
- 20 inmates – maximum capacity of a cell

April 27, 2015

Arizona State Bar Association

The delegation met with the representatives of the AZ State Bar Association.

The Bar is a private non-profit organization that operates under the supervision of the AZ Supreme Court. The Bar's mission is to serve the public and enhance the legal profession by promoting the competency, ethics and professionalism of its members and enhancing the administration of and access to justice.

- **23,485** members
- **17,952** active attorneys
- **521** judges are members of the bar
- **3,775** inactive attorneys
- **985** retired attorneys
- **28** sections of lawyers (real estate, bankruptcy, immigration etc.)
- **46** years is the median age of attorneys in Arizona
- **\$100,000** per year is the average income of an attorney in Arizona

www.azbar.org

The Bar regulates approximately 18,000 active attorneys and provides education and development programs for the legal profession and the public.

The organization was formed in 1933 and has a rich history of serving attorneys and the public. As part of its goal to protect the public, the State Bar has a lawyers' regulation department, which works to resolve problems between clients and attorneys. The Bar also offers legal information for consumers, periodic free legal advice days and other educational programs.

The State Bar of Arizona is governed by a 30-member Board of Governors whose members are primarily lawyers elected by Bar members. Among those board members are four non-lawyers who are appointed to represent the public. The State Bar is not a state agency. The organization's activities are funded through membership dues, service fees and other self-generated revenue.

The Bar has the following five goals that guide its activity: 1) ensure competency of its members through CLE programs and informational support, 2) promote ethics of lawyers, 3) enhance professionalism of lawyers, including by examining and deciding on disciplinary complaints against lawyers, 4) administration and access to justice, by supporting and defending the judicial selection and rule-making process, 5) organizational excellence by striving to achieve excellence in operations, programs, resource management, policy and planning.

After the general presentation, a Bar representative described the disciplinary process of attorneys in Arizona and mentioned that the Bar is responsible for investigating complaints regarding lawyers' misconduct. The jurisdiction is limited to investigating matters that if true, would violate the Rules of Professional Conduct (available at <http://www.azbar.org/ethics/rulesofprofessionalconduct>). If the charges warrant full investigation, the matter is referred to the Bar council. The lawyers will be notified of the investigation and the substance of the allegations. The lawyer is asked to submit a written response to the allegations. If the charge does not meet the threshold for the investigation, the client is notified about this, along with the lawyer against whom the complaint was filed.

If, after the investigation, the Bar determines that there is probable cause to believe that the lawyer violated the ethics rules and there is clear and convincing evidence to show the violation, formal disciplinary proceedings are filed against the lawyer, followed by an evidentiary hearing and the client is required to appear as a witness.

The Moldovan delegation members provided information about the process of becoming a lawyer in Moldova and the disciplinary proceedings applied.

Maricopa County Attorney's Office

The Moldovan delegation visited the Maricopa County Attorney's Office, which is the third largest public prosecutorial agencies, serving nearly four million residents of AZ.

The County Attorney is the chief prosecutor for the County. Currently, the Chief Prosecutor is Bill Montgomery.

The Office has the following divisions: Operations, Civil Services, Investigations, the Juveniles, Major Offenders, Organized Crimes, Special Victims, Pre-trial, Community-based Prosecution, and Victim Services.

- 900 full time employees, including
- 390 prosecuting attorneys, investigators, paralegals, victim advocates and support staff

www.maricopacountyattorney.org

All incoming attorneys receive extensive training on ethical rules, professional standards and Rules of Criminal Procedure that guarantee the defender's right to due process, protect the rights of crime victims and contribute to the public's confidence in the criminal justice system. The Office provides more than 100 hours of CLE per year on these issues for its employees.

In AZ, 79% of cases are resolved through plea agreements, which saves a lot of funds that otherwise would go for solving cases through lengthy court trials.

During the last part of the meeting, several prosecutors mentioned that working as a prosecutor is very inspirational and motivating compared to working in a private law firm where they worked prior to becoming prosecutors.

Criminal Division of the Maricopa Superior Court

During the last visit of the study tour, the Moldovan delegation attended a real court hearing involving plea bargaining in a criminal case, where the defendant admitted to committing an offence in return to receiving a sentence about which he was informed before the trial.

After the trial, the delegation members exchanged views with their US counterparts about the differences that exist between the plea bargaining processes in the US compared to the one used in Moldova.

The delegation also toured the court facility where arrested persons are brought and kept before the trial. If several arrested persons are brought to the court at once, the court representative collectively explains their rights.

Debriefing and discussion of suggestions and recommendations

On May 6, 2015 the study visit participants, together with USAID ROLISP representatives met for a debriefing hosted by the Balti Court of Appeals. The purpose of the meeting was to discuss the best practices in various areas of activity of U.S. judicial institutions and their applicability in the Moldovan judicial system. Participants expressed their opinions and made a number of recommendations for improving several aspects of their activity, especially in the context of implementing the International Framework for Court Excellence in three pilot courts from Moldova.



CONCLUSIONS AND RECOMMENDATIONS

Court Technology

- E-filing of court complaints should be piloted in Moldova;
- Softwares that allow the electronic payment of state and court fees, fines, copies of case materials, etc. should be created and terminals for payment of such fees should be available in courts;
- Implementation of a human resources management electronic system (example: PeopleSoft) to manage human resources in a centralized, electronic manner should be explored.

Courtroom Technology

- Arranging and equipping a courtroom, following the example of McGlothlin Courtroom from CLCT in Williamsburg. This courtroom could serve as a testing ground for new judicial technologies, could host complex lawsuits and, at the same time, could serve as a laboratory for justice professionals at the beginning of their careers (interns, trainees or students);
- Purchase and install videoconferencing equipment in court rooms. This would also require installing secured networks of data transmission between the courts and prisons/other facilities, along with implementing the existing EU standards on videoconferencing in courts. This would contribute to would reducing the expenses for the transportation of the detainees and the personnel accompanying them;
- Equip court rooms with overhead projectors and screens so that evidence that trial participants will present is visible to all;
- Installation of computers or monitors in front of each participant at the hearings, to ensure visualization of case materials presented by judicial experts or by the parties;
- Purchase and install modular microphones;
- Installation of cameras / scanners for displaying evidence and documents on screens;
- When a case hearing is being audio recorded, a sign near the court clerk's desk should light up so that all trial participants can see that the audio recording is being carried out. When the sign is off, the trial participants would immediately see that the hearing is not being audio recorded and demand that it be audio recorded;
- Litigator's podium that along with the presentation technology can mechanically rotate. The podium is equipped with a "traffic light" to limit the time and speed of a lawyers/ prosecutor's speech by lighting the corresponding color. When participants speak too fast for the court clerk to be able to type the minutes, the court clerk would press a button and a light (red or yellow) will appear on the microphone so that the speaker knows to slow down. This type of podium is also equipped with sockets for connecting mobile devices (tablets, lap tops and phones) which different participants (lawyers, prosecutors, witnesses etc.) might use for displaying certain evidence or documents relevant to the case; camera for displaying evidence/documents.

Court Infrastructure

- Strengthening the security systems in the courts;
- Improving physical access to courts for people with reduced mobility and other disabilities;
- The exterior and interiors of court buildings should be uniform for all courts;
- Installing signage and indicators to facilitate finding the location of the courthouses.

IFCE (International Framework for Court Excellence)

- Join the International Consortium for Court Excellence as country-member or court-members;
- Participate at regional meeting of courts/countries using the framework;
- Establishment of partnership agreement between the Moldovan courts and similar courts in other countries implementing the IFCE to encourage the exchange of best practices.

ADR (Alternative Dispute Resolution)

- Informing the potential court users about the existence of alternative dispute resolution methods;
- Mediation should be more widely and actively promoted in Moldova, with the Bar and judges playing an active role in informing parties about the possibility of mediation as an alternative to court trials. This can result in a decrease in the number of court cases.

Training and professionalisation

- Encouraging participation at regional court administration programs;
- Encouraging the use of online court administration programs;
- Discuss the possibility of reintroducing the Internship Institute, before becoming a judge.

Visibility and collaboration with mass media

- Establish certain rules that mass media representatives and court staff should follow;
- Each court should have their own profile in different social networks (e.g. Facebook) to share news and updates, communicate with the public and promptly respond to questions/ inquires;
- The relationship with mass-media should be enhanced by the judiciary more proactively informing the media about the courts' activity and the judicial reforms (e.g. publication of courts' activity reports);
- Providing information to litigants and other court users on various aspects of the lawsuit (automation, rights and obligations, who's who in the courtroom etc.)
- Develop a glossary for the court users, explaining various legal terms;
- Using simple language within the court hearings and/or explaining the decision in easy language after the decision/sentence has been pronounced;

- In court hallways, TV screens should be installed on which video materials educating the court goers about the judicial reforms, their rights under the law, etc. should be played continuously.

Court Procedures

- Plea bargaining legislation should be adjusted so that prosecuting authorities negotiate with the defendants the specific types and duration of the punishments, and not merely the range of possible punishments, as the current practice is in Moldova. A more active use of plea bargaining in Moldova would potentially result in a drop in the number and duration of court criminal cases;
- The Superior Council of Magistracy should establish, for the Moldovan courts, annual objectives (targets) for the terms within which different types of cases should be examined and solved. Following the US experience, certain terms should be excluded from the duration of such terms (time periods when the case was out of court's control – e.g. defendant is pursued by police, an expertise related to the case is underway, the case is being handled by the prosecutor etc.) The courts should be allowed to deviate from the established terms of examination of cases up to a certain percentage;
- When arrested persons are brought to the court, the court representatives should explain them their rights to all of those who were brought in a certain time slot, not individually, as it is currently done in Moldova (by broadcasting a video or an audio recording explaining their rights and obligations);
- “Judicial reserve” consisting of retired judges should be created, which would help address temporary lack of judges in certain courts;
- Centralized automated procurements of goods and services for the judiciary should be piloted.

Court Interpretation

- All judicial translators should be licensed and should receive competitive salaries. The idea of creating three remote regional translation centers (in North, Central and Southern regions of Moldova) should be explored to outsource translation work from local courts to such regional remote translation centers, which can provide live translation services from a distance;
- Developing a study on the interpretation needs in the courts.

Annex 1

No.	Name / Surname	Position	Institution
1	Dorel MUSTEAȚĂ	Member	Superior Council of Magistracy
2	Nadejda POPIC	Deputy Chief of Secretariat	Superior Council of Magistracy
3	Ion TUTUNARU	Inspector-judge	Superior Council of Magistracy
4	Alexandru GHEORGHIȘ	President	Balti Court of Appeals
5	Ala CURICHERU	Chief of Court Secretariat	Chief of Court Secretariat
6	Evghenii SANDUȚA	President	Criuleni District Court
7	Lucia NEGURA	Chief of Court Secretariat	Criuleni District Court
8	Lilia ȚURCAN	President	Donduseni District Court
9	Ina RÎȘCHITOR	Chief of Court Secretariat	Donduseni District Court
10	Dumitru GHERASIM	President	Balti District Court
11	Natalia PLOTENCO	Chief of Court Secretariat	Balti District Court
12	Diana BALAN	Director	Department of Judicial Administration
13	Victoria PALANCIUC	Senior Specialist in the Court Administration Department	Department of Judicial Administration
14	Maria-Cristina TURTURICA	Deputy Chief of Party	USAID ROLISP
15	Victoria CĂPĂȚICI	Program Assistant	USAID ROLISP

Study visit of representatives of the Moldovan judiciary to the

United States of America

April 18 – 29, 2015

AGENDA

Saturday, April 18, 2015

10:00	Flight Washington DC
19:00	Arrival at Dulles International Airport, Washington DC
20:00	Arrival at hotel
21:00	Dinner

Sunday April 19, 2015

09:00 – 09:30	Breakfast
09:30 – 19:00	Free time
19:00	Dinner

Monday April 20, 2015

06:00 – 07:00	Breakfast
07:20 – 09:00	Transport to Annapolis, Maryland
09:00 – 11:30	Visit of the Administrative Office of the Maryland Courts <i>Address: Judicial Educational Center, 2011 D Commerce Park Drive, Annapolis, Maryland 21401</i> <i>Pamela Q. Harris, State Court Administrator</i>
11:30 – 13:00	Meet shuttle bus. Transport to Montgomery County.
13:00 – 14:00	Lunch
14:00 – 17:00	Visit of the Circuit Court for Montgomery County <i>Address: 50 Maryland Ave., Rockville, Maryland 20850</i> <i>Judy Rupp, Trial Court Administrator</i>
17:00 – 18:00	Meet shuttle bus. Transport to Washington DC
18:00	Dinner

Tuesday April 21, 2015

07:30 – 08:15	Breakfast
08:05 – 08:15	Hotel check out.
09:00 – 12:00	Visit of the Administrative Office of the US Courts <i>Wanda Rubianes and Debbie Galloway (Judicial Services Office – International Staff)</i>
12:30 – 13:30	Lunch
13:30	Meet shuttle bus. Transport to Williamsburg, Virginia
17:00	Hotel check-in.
18:00 – 21:00	Dinner

Wednesday April 22, 2015

07:00 – 08:00	Breakfast
08:00	Meet shuttle bus
08:30 – 11:30	Visit at the Center for Legal and Court Technology (CLCT) <i>Fred Lederer, Director</i>

William & Mary Law School, Williamsburg
Address: 200 Stadium Dr, Williamsburg, VA 23186

11:30 – 12:30

Lunch

13:00 – 15:00

Model Court Observation organized by CLCT

15:15 – 17:30

Visit to the National Center for State Courts (NCSC)

Daniel Hall, Vice President

- Activities of the NCSC in the US and internationally;
- Court performance indicators and performance measurement, and how data collection and analysis helps increase the efficiency of courts;
- Best practices in court customer service.

17:30 – 21:00

Dinner. Free time.

Thursday **April 23, 2015**

06:00

Hotel check out

06:15

Meet shuttle bus.

06:30 – 07:00

Transport to Newport News, Virginia International Airport

09:15

Flight Phoenix, Arizona

14:30

Arrival at Phoenix Airport, Arizona

14:45

Meet shuttle bus.

15:15 – 15:45

Hotel check-in.

16:00 – 17:00

Visit of Maricopa Superior Court. Tour of Judge Warner's Courtroom; tour of courtroom technology; sit in on court proceedings.

Address: 101 W Jefferson, Phoenix, AZ

17:30 – 20:00

Dinner

20:00

Meet shuttle bus.

Friday **April 24, 2015**

07:00 – 08:00

Breakfast

08:30

Meet shuttle bus.

09:00 – 12:00

Visit of the Administrative Offices of the Arizona Courts

12:00 – 13:00

Lunch

13:00

Meet shuttle bus.

13:30 – 17:00

Visit of Maricopa County Sheriff's Office

- Tour of Maricopa County Lower Buckeye Jail
Address : 3250 Lower Buckeye Rd., Phoenix
- Tour of Prisoners Tents
Address: 2939 W. Durango, Phoenix
- Meeting with law enforcement officials.

17:00

Meet shuttle bus. Transport to hotel.

18:00

Dinner

Saturday **April 25, 2015**

07:00 – 21:00

Free day

Sunday **April 26, 2015**

07:00 – 21:00

Free day

Monday **April 27, 2015**

07:00 – 08:00

Breakfast

08:15

Meet shuttle bus.

09:00 – 10:00 Visit to Arizona State Bar
Address: 4201 N. 24th St., Suite 1900, Phoenix

10:15 Meet shuttle bus. Transport to Maricopa County Attorney's Office.

10:30 – 12:30 Visit to Maricopa County Attorney's Office
Address: 201 W. Jefferson, Phoenix

12:30 – 13:15 Lunch

13:30 – 17:00 Visit to Maricopa County Superior Court Criminal Department
Address: 201 W. Jefferson, Phoenix

18:00 Dinner

Tuesday
April 28, 2015

04:30 Hotel check out. Meet shuttle bus.

05:00 – 05:30 Transport to airport.

07:02 Flight to Washington D.C.

14:24 Arrival at Washington D.C. (transfer)

17:10 Flight to Munich.

Wednesday
April 29, 2015

07:50 Arrival at Munich (transfer)

08:55 Flight to Chisinau

12:00 Arrival at Chisinau International Airport